

145 FISK, LLC,)	
)	
Plaintiff,)	
)	Case No. 19 C 50093
vs.)	
)	
F. WILLIAM NICKLAS,)	Judge Philip G. Reinhard
Individually,)	
)	
Defendant.)	

Agreement. This item contains a summary prepared by defendant and defendant's recommendation that the resolution terminating the Agreement be approved. Statements made in the agenda by defendant are alleged in the complaint to be defamatory. (Dkt # 1, ¶ 90) In the complaint, plaintiff quotes portions of the Agreement. (Dkt # 1, ¶¶ 54, 66, 71) Paragraph 71 of the complaint alleges: "Given the preliminary agreement language, wherein the Parties agreed and acknowledged that the Development Incentive 'is necessary in order to induce the project to occur, and **satisfies all requirements applicable to such incentive,**' plus three votes of confidence and the preliminary agreement entered into with the City, a reasonable expectancy of entering into a valid business relationship existed before Defendant Nicklas tortiously interfered." (emphasis in original).

"It is well-settled in this circuit that documents attached to a motion to dismiss are considered part of the pleadings if they are referred to in the plaintiff's complaint and are central to his claim." Mueller v. Apple Leisure Corp., 880 F.3d 890, 895 (7th Cir. 2018) (quotation marks and citations omitted). It is evident from the quotations from the complaint set forth above that the agenda and the Agreement are both referenced in the complaint, that the agenda is central to, at least, the defamation claims and the Agreement is central to, at least, the business expectancy claim. Therefore, these documents are both properly included as exhibits in defendant's motion to dismiss.

Plaintiff asks to be provided an opportunity to "submit extraneous proofs". This request is vague and denied. However, plaintiff may attach to its response to the motion to dismiss copies of documents referenced in its complaint.

For the foregoing reasons, plaintiff's motion [14] to strike the exhibits or in the alternative be provided an opportunity to submit extraneous proofs is denied.

Date: 9/23/2019

ENTER:


United States District Court Judge

Electronic Notices. (LC)